



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	14 June 2012	B3	Caledonian

Delete as appropriate	Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION
RE: CALEDONIAN SUPERMARKET, 288 CALEDONIAN ROAD, LONDON N1 1 BA**

1. Synopsis

- 1.1 This is an application by David Fordham of Islington Council's Trading Standards team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) Crime and Disorder;

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
 - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;

- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1 The premises is currently licensed for the sale of alcohol for consumption off the premises Monday to Saturdays from 08:00 to 23:00 and Sundays 10:00 to 22:30.

3.2 Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: current premises licence;

Appendix 3: health and safety representation;

Appendix 4: warning letter

Appendix 5: suggested conditions and map of premise location.

3.3 Premises licence history:

- Application to convert the premises licence was made on 8 July 2005;
- Mr Aziz Yanar made an application to become the licensee and designated premises supervisor on 30th May 2007. Both applications were granted;
- On 25th September 2009 the Licensing Authority sent a warning letter to Mr Yanar following a visit where they found the premises to be selling alcohol after the permitted hours. Officers were also informed that Mr Yanar had moved the address on the premises licence was incorrect. To date no formal notification of a change of address has ever been received by the Licensing Authority;
- Premises licence review application submitted on 10th February 2012 by the Council's Trading Standards team as a result of a sale of alcohol to an underage volunteer during a test purchase exercise on 17 December 2011.

3.4 The Licensing Authority has received 1 letter of representation from health and safety.

4. Planning Implications

No restrictions regarding the hours or class use.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by

Service Director – Public Protection

Date

Received by

Head of Scrutiny and Democratic Services

Date

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Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Fordham, Service Manager Trading Standards

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described on Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description: Caledonian Supermarket 288 Caledonian Road	
Post town: London	Post code: N1 1BA

Name of premises licence holder or club holding club premises certificate: Aziz Yanar

Number of premises licence or club premises certificate: 120391 / 3268

Part 2 - Applicant details

I am

Please tick ✓ yes

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail (optional) address

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR
Telephone number:	020 7527 3458
E-mail:	<u>david.fordham@islington.gov.uk</u>

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

This application to review relates to the objective to prevent crime and disorder and Licensing Policies 39 and 28. It particularly relates to the discovery of illicit alcohol in the shop, which indicates that the highest standards of management have not been exhibited by the business.

This premises falls in the area where the Council and other partners introduced a Community Alcohol Partnership (CAP) in 2011. CAPs are a new method to tackle issues surrounding youth drinking and licensed premises are offered even greater support as part of a CAP than they would be normally.

In this CAP, all off licence businesses in the area were offered the opportunity to send as many of their staff as they wished for free training provided by the Council, Police and a large supermarket chain. The training encompassed underage sales, how to deal with difficult and/or violent customers and Doug Love of the Trading Standards team gave a presentation and a demonstration to show how to avoid stocking illicit alcohol. Three training sessions were held and at one a Turkish interpreter was provided.

No-one from Caledonian Supermarket attended the training.

Written advice on illicit alcohol was sent by Trading Standards in March 2011 and December 2011 to all independent off-licences, including Caledonian Supermarket, with covering letters warning licensees that their licences were at risk if illicit goods were found in their premises.

On 24th February 2012, officers from Trading Standards and HMRC visited the premises to inspect the stock of alcohol and tobacco. Mr Yanar was not initially present, but arrived at the premises before the officers left. 130.2 litres of spirits and 358 bottles of wine were seized by HMRC as they were believed to be non-duty paid.

Glens vodka – 70.2 litres (66 x 1l; 6 x 70cl): Many of the litre bottles were found in cases that had been re-sealed. The duty stamps do not fluoresce properly and the back labels are self adhesive. The 70cl bottles had the wrong style '4' on the barcode and had self adhesive labels, sometimes poorly attached.

Bells whisky – 16 litres (16 x 1l): No duty stamps are present.

Smirnoff vodka – 15 litres (15 x 1l): No duty stamps are present.

Jack Daniels bourbon – 8 litres (8 x 1l): No duty stamps are present.

Bacardi white rum – 7 litres (10 x 70cl): Duty stamps do not fluoresce.

Vladivar vodka – 6.3 litres (9 x 70cl): Separate 'type A' duty stamps that do not fluoresce, all have identical numbers and are stuck over the back label. This type of duty stamp should carry unique numbers and not be stuck on any labelling.

Yeni Raki – 4.9 litres (7 x 70cl): No duty stamps are present.

Famous Grouse whisky – 2.8 litres (4 x 70cl): Duty stamps do not fluoresce properly; the printing on the back label is of very poor quality and are not well stuck to the bottle; no quantity or alcohol by volume markings.

Italian Wine – 268 litres (358 bottles): Recognised by officers as brands that have regularly been smuggled and supplied in the region without duty being paid. Mr Yanar stated on the day that the wine was supplied by a business called Sienna Cash & Carry and had been delivered by a man called Ali Shalim. During the visit Mr Yanar told the HMRC officer that he would be able to provide invoices for the wine, but he failed to do so within the 30 days allowed for production of proof of innocent purchase that HMRC allow.

Had the advice issued by Trading Standards been followed, the only seized spirits that may not have been easily spotted are the six 70cl bottles of Glens vodka. The Italian wine would not have been bought as it was brought to the shop by a 'door-to-door' seller.

The total duty that would have been evaded had the goods confirmed to have been illicit been sold is approximately **£1,920**.

On 13th April 2012, Aziz Yanar attended a PACE interview. At Mr Yanar's request an interpreter was provided. Mr Love and PS Robin Clark were the interviewing officers. Some key points of the interview follow (timings in brackets):

- AY confirms that he is the sole director of Basana Ltd., which owns the business, as well as the licensee and designated premises supervisor. (3.00).
- AY states that he is the person in charge of the business and is responsible for buying alcohol at the shop. (8.00)
- DL asks about the Bells, Smirnoff, Jack Daniels and Yeni raki – none of which carried duty stamps - came from. AY does not know, but suggested that they were old stock. DL explained that he was confident all were from after 2006, since when duty stamps must be present. AY says that employees of the business may have bought these bottles. (11.05)
- AY says that he has issued written instructions to staff about buying alcohol and has explicitly told them before not to buy from people calling at the shop, but does not have any record of these instructions. (15.00)
- DL asks about the 70cl Glens, the Vladivar and the Bacardi. AY does not know where these came from. (22.05)
- DL asks about 1l Glens and the Famous Grouse. AY does not know where these came from. (22.05)
- DL asks about the Italian wine. AY says that it was bought 3-4 days before the seizure from a Turkish man who came to the shop. £25 or £26 was paid for each case of 12 (actually delivered in boxes of 6) and 25-30 cases were bought. Cash was paid and the delivery was made while AY was in the cash and carry, although he spoke to the seller on the phone and the seller promised that an invoice would be bought in the next couple of days. No invoice ever arrived. AY said that it was the first time he had ever bought wine of this nature from this man or any other source. AY says he gave the name and telephone number of the seller to one of the HMRC officers on the day of the seizure. CCTV in the shop was not working at this time. AY could not explain why he had paid a man he had not met £800 for wine he had not seen (23.35 – 37.20)
- Sgt. Clark observes that in total there is £2,000 - £3,000 of stock that AY cannot account for. AY accepts that the purchase of these goods was a mistake. He has asked his staff where they came from but they did not know – someone came to the shop and they just bought it. AY surmises that the price was probably quite good. (40.20)
- AY cannot specifically remember the mailshots sent out by Trading Standards re illicit alcohol, but says he knows that buying non-duty paid goods is illegal. He says that he gets someone to translate official correspondence to him if it is English. DL asked why he had not followed the advice in the guidance and AY replied he hadn't paid attention as his stock was old. (50.05)
- AY remembers being offered training as part of the CAP, but appeared to think it was only about preventing under-age sales. He didn't attend because he was confident he knew what to do in this area. (55.20)
- AY states that he has now instructed staff not to buy any alcohol or tobacco in future without his knowledge. He apologises for his mistake and says he won't make it again. He says that revoking the licence would mean he would have to close the shop. (59.45)

Trading Standards have no previous record of significant non-compliance at the shop, although the business nearly sold alcohol to the volunteer during the first round of test purchases

undertaken - the transaction took place and the volunteer was challenged for proof of age only as he was leaving the shop.

On 17th April 2012, John Fitzpatrick of the International Federation of Spirits Producers visited the Council Offices and looked at the samples of Bells, Smirnoff and Jack Daniels and confirmed that they were all produced in 2010 or 2011.

Trading Standards are concerned at the possession for supply of illicit alcohol for the following reasons:

- Illicit alcohol may be counterfeit and as such may be unsafe to consume. This is particularly true for vodka.
- The willingness to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.
- The sale by retailers of illicit goods gives them an unfair advantage over law abiding businesses.
- Illicit goods are often smuggled into the country and / or produced by organised crime. It is believed that the profits are frequently used to fund other types of serious crime.
- The trade in illicit alcohol and tobacco causes huge losses to the UK's tax revenues.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. Islington Council is a local weights and measures authority and that function is carried out by the trading standards team.

Here is a summary of events supporting this application

23/03/11 & 15/12/11	TS advice	Guidance on illicit alcohol and tobacco and covering letter sent to the business addressed to "The Licensee and Proprietor".
Apr – Dec 2011	CAP project	Regular contact between TS and the business during this period, including three training sessions offered free of charge that covered a session on illicit alcohol that T did not attend.
24/02/12	Seizure	130.2l spirits; 358 bottles Italian wine seized.

Recommendations:

This was a very big seizure of illicit goods. The goods were in the shop, because the business had not followed the 'golden rule': do not buy alcohol from people calling at the shop.

The business was sent advice on two occasions. Following the advice in the guidance would have enabled them to identify all the seized goods (except, possibly, the six 70cl bottles of Glens vodka) as illicit or suspect. The presence of duty stamps; whether or not they fluoresce; and whether cases have been resealed are very easy things to spot, if you look. The fact that there were spirits on sale where these checks had not been made indicates that the business must have known or did not care that they were selling illicit alcohol.

Mr Yanar chose not to attend free training at which he would have seen samples very similar to the goods that were seized and been provided with a free uv light. He said that he did not realise that illicit alcohol was covered in the training, but it was mentioned on the letters sent to CAP businesses to offer the training.

He was clearly not in control of his business as he did not know where any of the spirits came from, having apparently allowed his employees to buy whatever they wanted, whenever they wanted.

In the PACE interview, the interviewing officers were not convinced of Mr Yanar's explanations. For example, his contention that he allowed a member of staff to pay £800 for nearly 400 bottles of wine that he had not seen, with no paperwork, from a source he did not know, when he had never stocked those wines before, stretches credibility.

Given these facts, I believe that Mr Yanar has clearly failed to prevent the business from breaking the law. He has not promoted the licensing objective to prevent crime and disorder. His approach to business falls way below the standards expected for someone running licensed premises. I believe the licence should be revoked.

No conditions have previously been attached by the Licensing Authority.

Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

N/A

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate



I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

UR (LBishop - authorised agent)

Date

27 April 2012

Capacity

for D Fordham Service Manager (Trading Standards) as authorised agent

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)



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Trading Standards Service
Public Protection Division
222 Upper Street
London N1 1XR

T 020 7527 3239
F 020 7527 3038
E fiona.exley@islington.gov.uk
W www.islington.gov.uk

Our ref:
Your ref:

Date: 14 September 2011

Caledonian Supermarket
288 Caledonian Road
London N1 1BA

This matter is being dealt with by:
Fiona Exley

Dear Mr Aziz Yanar

ISLINGTON COMMUNITY ALCOHOL PARTNERSHIP – FREE BUSINESS TRAINING

We have now confirmed the two training dates based on the preferences you expressed. The training is two hours long and will take place at the Cally Resource Centre, 140 Copenhagen Street, London N1 0ST. Please confirm which session you can attend and how many places you would like by completing the enclosed form and returning in the prepaid envelope.

The offer of this training is part of our commitment to support local businesses in the Community Alcohol Partnership and a unique opportunity for you to get your staff trained for free on how to prevent under age sales. There will also be a short session on how to identify smuggled and counterfeit alcohol which unfortunately has recently been widely available for sale in Islington and the subject of a number of recent licensing reviews where licences have been revoked or suspended. UV torches will be distributed at the event to help detect non duty paid alcohol.

In the meantime if you need any assistance on how to prevent under age sales and/or find more about the work of the partnership contact the following;

Underage Sales – Fiona Exley 020 7527 3182 or Doug Love on 020 7527 3874
Or Trading Standards Duty Officer on 020 7527 4028 / Email: trading.standards@islington.gov.uk

Anti Social Behaviour & Proxy Sales – Sergeant Marcel Baker, Caledonian Safer Neighbourhood Team on 020 7421 0271 or Sergeant Paul Bristo, Holloway Safer Neighbourhood Team on 020 7421 0362.

Yours sincerely

Fiona Exley
Principal Trading Standards Officer



ISLINGTON

Trading Standards Service
Public Protection Division
222 Upper Street
London N1 1XR

T 020 7527 3182
F 020 7527 3038
E fiona.exley@islington.gov.uk
W www.islington.gov.uk

Our ref: Cally Spmkt NA
Your ref:

Date: 2 December, 2011

f.a.o. The Licensee
Caledonain Supermarket
288 Caledonian Road
London N1 1BA

This matter is being dealt with by:
Fiona Exley

Dear Mr Yanar

ISLINGTON COMMUNITY ALCOHOL PARTNERSHIP – BUSINESS TRAINING

We have now delivered our three training sessions, the last one in Turkish, which received very positive feedback from the people that attended. This training was provided as part of our commitment to support local off licences in the Community Alcohol Partnership and was a unique opportunity for you to get your staff trained for free on how to prevent under age sales. It also had a short session on the Police about personal safety and information on how to identify smuggled and counterfeit alcohol.

I understand that it is hard, particularly in the current economic climate, for staff in small businesses to take time away from the workplace but you have missed out on a real opportunity to work together to help tackle the issue of under age drinking. Though you were not able to attend the training you are expected to comply with the legislation and not sell alcohol or other age restricted products to anyone under 18. I have included a copy of the Tesco Think 25 dvd that was used in the training. Please take time to view the alcohol sales section with your staff and then return in the pre paid envelope.

Also included is our age restricted product guidance pack for you to keep and I would encourage you, if you are not already, to use the training record and refusals register and display the posters (including the new proxy sales one). Should you want any further advice on how to prevent under age sales and/or find more about the work of the partnership please contact the following;

Underage Sales & Illegal Alcohol & Tobacco– Fiona Exley or Doug Love on 020 7527 4028

Anti Social Behaviour & Proxy Sales – Caledonian Safer Neighbourhood Team on 020 7421 0271 or Holloway Safer Neighbourhood Team on 020 7421 0362.

Yours sincerely

Fiona Exley
Principal Trading Standards Officer



ISLINGTON

Trading Standards Team
Public Protection Division
222 Upper Street
London N1 1XR

Tel : 020 7527 3874 / 4028
Email : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: Mailshot

Date: March 2011

The Licensee and Proprietor

Dear Sir/Madam,

Important information – YOUR LICENCE IS AT RISK

In the last few months Islington Trading Standards and Her Majesty's Revenue and Customs (HMRC) have visited off-licensed businesses to look for illicit alcohol and tobacco. Seizures of the following goods – all of which have evaded excise duty and some of which is also counterfeit - have been made from 40 businesses in this time:

- **Over 800 litres of spirits**
- **Over 5,000 bottles of smuggled wine**
- **Over 3,500 cigarettes and 23kg of other tobacco products**

Trading Standards and HMRC are going to intensify their campaign as a result of these alarming findings which are evidence of very serious offences. As well as the **£19,000 evaded excise duty** these goods represent, there are health concerns caused by counterfeit goods, which are produced with no regard to health standards or quality control – sellers do not know what they are selling or how much harm it may do.

- **Counterfeit alcohol can cause breathing difficulties, blindness or be lethal.** There have been deaths in the UK attributed to counterfeit alcohol containing methanol – a type of alcohol that is particularly dangerous to ingest. Thousands of deaths are reported worldwide to be caused by counterfeit spirits.
- **Asbestos and rats' droppings** are amongst the 'ingredients' recently found in counterfeit tobacco.

Goods such as these are distributed by **organised crime gangs** who will often be involved in other crimes, such as people trafficking, violent crime and even terrorism. Selling them is not a 'harmless' crime that benefits your customers, but one that harms society as a whole.



Up to now, the businesses that have had illicit goods seized have generally been required to attend a meeting and given advice and a final warning.

As we have found this problem to be so widespread, there will now be tougher action taken against businesses found to be selling smuggled or counterfeit alcohol or tobacco.

Is it likely that your licence to sell alcohol will be reviewed and either suspended or taken away entirely. Licensing Panels will consider **permanently revoking the licence of businesses that sell smuggled goods**. You and the owner of the business may also be prosecuted.

You can prevent yourselves getting into trouble by understanding and **following the advice given in the attached guidance sheet**.


You can also be active in protecting your business. If you have any details – e.g. name or telephone numbers, vehicle details, or CCTV footage – of anyone calling at your shop and trying to sell you alcohol or tobacco, please let Trading Standards know. If your business is being undercut by local competitors trading unfairly by stocking illicit goods, let us know. We will treat all information in **complete confidence** – your name will not be revealed and any subsequent visits will appear to be random.

Goods that have been regularly seized are as follows:

- **Cheap Italian wine** – with a variety of brand names – sold door-to-door for unrealistically low prices. The excise duty alone payable of 6 bottles of wine will be over £10.
- Vodka that is counterfeit or was originally intended for export, especially **Glens** and **Smirnoff**.
- Whisky - counterfeit or intended for export – especially **Famous Grouse**, **High Commissioner**, **Bells** and **Teachers**.

Trading Standards remains committed to working with law-abiding businesses to improve legal compliance and to protect them from unfair competition. If you need further advice or have any questions, please contact me on the number shown above. However, we will continue to take strong measures against businesses that break the law and cause a hazard to the public. Do not let your business suffer the consequences of illegal trading.

Yours sincerely



Dave Fordham
Service Manager, Trading Standards



Smuggled Alcohol and Tobacco Products

Trading
Standards

1. Introduction

Smuggled goods are goods for which the appropriate excise duty (import tax) has not been paid. Alcohol and tobacco products are regularly smuggled as the excise duty that must be paid on them is very high. Some will also be counterfeit as well.

Smuggled goods:

- may be unsafe, if they are also counterfeit, as the normal quality standards will be ignored.
- boost the profits of organised criminals;
- cause huge losses to the UK's tax revenues.

Islington Trading Standards have been carrying out visits in partnership with Her Majesty's Revenue and Customs (HMRC) to detect smuggled goods and many seizures have been made. We intend to carry out many more visits to counter this widespread problem. Businesses selling smuggled goods may be **prosecuted** or their **alcohol licence may be revoked** or **suspended**.

2. Legislation

The main legislation that deals with smuggled goods is enforced by Her Majesty's Revenue and Customs (HMRC), although Trading Standards can also take action under some or all of the following laws:

- The **Fraud Act 2006** or the **Consumer Protection from Unfair Trading Regulations 2008** where a business sells items when they know or should know that they are, or might be, smuggled.
- The **Consumer Protection Act 1987** if tobacco products do not carry the required written and pictorial warnings.
- The **Licensing Act 2003** enables the Police or Trading Standards to apply for reviews of alcohol licences, which may lead to the licence being suspended or revoked.

3. How do I tell if goods are smuggled?

Alcohol: Alcoholic drinks with a stated alcohol by volume level of 30% or more (which will include all spirits) in containers of 35cl or more will be required to carry a UK Duty stamp, normally on the back label. The stamp will be pink in colour, but will glow green, yellow or white when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.



You should also check the print quality of the stamp and that the label or stamp are not stuck onto an existing label – poor print quality and overlabelling are clear indicators that the product may be illegal.

Black & white representation
of a UK Duty stamp

 ISLINGTON

Another indicator is if spirits are sold in boxes with the 'UK Duty Paid' statement crossed through, or that have been resealed – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp.

Tobacco products: Any tobacco product – including shisha and chewing tobacco - that does not carry the required health warnings is illegal for sale in the UK and is almost certain to be smuggled. The warnings must be in English and include one of the following statements:

- **“Smoking kills” or “Smoking seriously harms you and others around you”** (on cigarettes, hand rolling tobacco and shisha). A picture warning is also required on these products.
- **“This tobacco product can harm your health and is addictive”** (on chewing tobacco).

Full details of the required warnings can be viewed by following the following links:

<http://www.legislation.gov.uk/ukxi/2002/3041/contents/made> (written warnings can be found in section 7 and the Schedule)

<http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthimprovement/Tobacco/Picturewarningsontobaccoproductspressimages/index.htm> (picture warnings)

General:

- **Never buy alcohol, cigarettes or tobacco from anyone who brings the goods to the shop.** They will undoubtedly be illegal in some way – smuggled, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – without a means of contacting the seller the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.
- **Only deal with reputable traders** and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still check purchased goods, especially if the seller is not a business you know and trust. If smuggled or counterfeit goods are found then we will expect you to be able to produce these invoices.
- **Control your stock** so you can be sure what goods come from where eg. mark boxes of alcohol with the supplier and date of purchase. Be careful about accepting returns of tobacco products or alcohol from customers who have changed their minds.

4. What are the penalties if I sell smuggled goods?

Substantial fines or even imprisonment can be imposed on anyone breaking the law by selling smuggled goods.

Further, if you hold a licence to sell alcohol, it is likely to be reviewed and may be revoked if smuggled goods are found in your shop.

5. How can I get further advice?

If you require further information, clarification or advice on any of the above, please do not hesitate to contact the Trading Standards Service at:

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: trading.standards@islington.gov.uk



ISLINGTON

Trading Standards Team
Public Protection Division
222 Upper Street
London N1 1XR

The Licensee and Proprietor

Tel : 020 7527 3874 / 4028
Email : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: Mailshot

Date: December 2011

Dear Sir/Madam,

Important information – YOUR LICENCE IS AT RISK

In March 2011, all independent off licences in Islington were sent guidance on how to avoid stocking illicit alcohol and tobacco, following a large amount of seizures in the previous months. Owners and Licensees were warned that licences may be reviewed and possibly revoked by Councillors if future seizures were made.

Unfortunately, the message does not seem to have got through. Since, the guidance was sent out:

- **Over 75% of off licences are still stocking illicit alcohol**
- **Trading standards have applied for the licences of 13 more businesses to be reviewed**

The consequences of having your licence reviewed could be very serious for your business. Altogether

- **Eight businesses have had their licences revoked – that is, taken away permanently, so the business can no longer sell alcohol at that premises**
- **Nine licences suspended – taken away for a specified period up to 3 months, during which no alcohol can be sold**

This is clear evidence that the Council's Licensing Committee are taking the presence of illicit alcohol very seriously. Two of the decisions to revoke have been appealed, but on both occasions the Magistrates' Court agreed with the Council's decision.

Trading Standards will continue to visit off licences to look for illicit alcohol. We will work with businesses, but will not tolerate licensees who are willing to take risks with their customers' health, compete unfairly with other businesses or steal from the public purse

- **Counterfeit alcohol can cause breathing difficulties, blindness or even death.** There have been deaths in the UK attributed to counterfeit alcohol containing methanol – a type of alcohol that is particularly dangerous to ingest. Thousands of deaths are reported worldwide to be caused by counterfeit spirits – five men producing illicit vodka died in the UK earlier this year after an explosion at an illegal vodka factory in Lincolnshire.
- Goods such as these are distributed by **organised crime gangs** who will often be involved in other crimes, such as people trafficking, violent crime and even terrorism. Selling illicit alcohol is not a 'harmless' crime that benefits your customers, but one that harms society as a whole.
- **Over £1bn per year in tax revenue** is estimated to be lost through illicit alcohol.

I have attached updated guidance. It is important that you understand and follow the advice given. We will not apply for a review for a business that follows our guidance even if they innocently stock smuggled goods.

It is also important to check your existing stock. We are more than happy to verify any goods you are unsure of if you ask us to, but will not accept the fact that it is 'old stock' as an excuse for illicit alcohol we find.

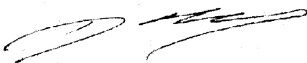
Trading Standards can supply you with a uv light for the small charge of £5 and an officer can visit your shop to give you a practical demonstration of how to use it.

You can also be active in protecting your business. If you have any details – e.g. name or telephone numbers, vehicle details, or CCTV footage – of anyone calling at your shop and trying to sell you alcohol or tobacco, please let Trading Standards know. If your business is being undercut by local competitors trading unfairly by stocking illicit goods, let us know. We will treat all information in **complete confidence** – your name will not be revealed and any subsequent visits will appear to be random.

Trading Standards remains committed to working with law-abiding businesses to improve legal compliance and to protect them from unfair competition. If you need further advice or have any questions, please contact me on the number shown above.

However, we will continue to take strong measures against businesses that break the law and cause a hazard to the public. Do not let your business suffer the consequences of illegal trading.

Yours sincerely



Dave Fordham
Service Manager, Trading Standards



Illicit Alcohol and Tobacco – Business Guidance

1. Introduction

Illicit alcohol and tobacco are goods which are non-duty paid (ie. genuine product on which the appropriate tax has not been paid) or counterfeit (ie. fake products on which no tax will be paid).

Islington Council has found a great deal of illicit alcohol and tobacco recently - the high amount of tax payable on the goods makes it very profitable to distribute them. However, we will take strong action against licensed premises found selling illicit goods. We will do this because:

- the goods may be unsafe as counterfeiters ignore normal quality standards;
- law-abiding business will suffer from unfair competition;
- selling illicit goods boosts the profits of organised criminals;
- huge losses are caused to the UK's tax revenues by the trade in illicit alcohol and tobacco.

Islington Trading Standards intend to carry out many more visits to counter this widespread problem. Businesses selling illicit goods may be **prosecuted** and / or their **alcohol licence may be revoked or suspended**.

2. General rules

NEVER BUY ALCOHOL, CIGARETTES OR TOBACCO FROM ANYONE WHO BRINGS THE GOODS TO THE SHOP. This is the **Golden Rule**. Illicit alcohol will be illegal in some way – non duty-paid, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – you won't have a means of contacting the seller and the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.

Door to door sellers will often claim to be from genuine business and even produce paperwork with genuine business details on. **Don't be fooled!**

Only deal with reputable traders and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still **check purchased goods**, especially if the seller is not a business you know and trust. If illicit goods are found then we will expect you to be able to produce these invoices.

Beware of 'special offers'. Some cash and carry business have sold non-duty paid wine on 'Buy one, get one free' offers for a cost which is less than the excise duty payable and disguise it by not putting the 'free' goods on the invoice, so it appears you have paid a reasonable price.

Train anyone who is allowed to buy stock and make a record of their training.

Control your stock so you can be sure where and when you bought it eg. by marking the goods or cases with the supplier and date purchased. Do not accept returns of tobacco or alcohol from customers who have changed their minds in case they have substituted illicit goods.

3. What are the penalties if I sell illicit alcohol or tobacco?

Anyone selling illicit alcohol or tobacco can be **fined or even imprisoned**. Further, if you hold a licence to sell alcohol, it is likely to be **reviewed** and may be **revoked** if these goods are found in your shop.

4. How do I tell if goods are illicit?



Black & white representation of a UK Duty stamp

Check the Duty stamp

Is a duty stamp required? Spirits must carry a UK Duty stamp, normally on the back label if:

- the alcohol content is at least 30% alcohol by volume (abv)
- the bottle size is at least 35cl.

Does it fluoresce? The stamp will be pink in colour, but will glow white, yellow or green when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.

Is it separate to the other labelling? Separate stamps are allowed, but must start with a unique code starting with 'V' for vodka; 'W' for whisky etc.

Check that it is not stuck over any labelling – this is not permitted.

Check the back label: Labels without duty stamps used on export stock are often replaced with labels with fake duty stamps on. Warning signs that should make you suspicious are:

- Back labels stuck over another label
- Poor printing on the label
- If the label is crooked or bumpy where it has not been stuck on properly
- If the label is not in English, it was clearly not produced for the UK market.

Is the case resealed? If spirits are sold in cases that have been resealed with tape or have the 'UK Duty Paid' statement crossed through – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp – don't buy them.

Is anything about the deal odd? Is the price too low? The excise duty on a bottle of wine is £1.81 (£10.86 per case of 6) and £7.15 on a standard bottle of spirits (£10.21 per litre). This has to be added to the cost of the product; transportation costs and VAT.

Has someone told you a story (eg: "It's old stock from a shop I've closed") to make themselves appear convincing?

Tobacco products: Any tobacco product – including shisha and chewing tobacco - that does not carry the required health warnings is illegal for sale in the UK and is almost certain to be smuggled. The warnings must be in English and include one of the following statements:

- **"Smoking kills" or "Smoking seriously harms you and others around you"** (on cigarettes, hand rolling tobacco and shisha). A picture warning is also required on these products.
- **"This tobacco product can harm your health and is addictive"** (on chewing tobacco).

5. How can I get further advice?

If you require further information, clarification or advice on any of the above, or would like us to check any goods, please do not hesitate to contact the Trading Standards Service at:

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: trading.standards@islington.gov.uk

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	120391/3268		
Postal address of premises, or if none, ordnance survey map reference or description	CALEDONIAN SUPERMARKET 288 CALEDONIAN ROAD		
Post town	London	Post code	N1 1BA
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The sale by retail of alcohol:

Monday	08:00	to	23:00
Tuesday	08:00	to	23:00
Wednesday	08:00	to	23:00
Thursday	08:00	to	23:00
Friday	08:00	to	23:00
Saturday	08:00	to	23:00
Sunday	10:00	to	22:30

Except on:
 Good Friday: 08:00 to 22:30
 Christmas Day: 12:00 to 15:00 and 19:00 to 22:30

The opening hours of the premises:
Not specified

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off supplies



Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Aziz Yanar
100 Place Gates Road
Wood Green
London
N22 7BL

Registered number of holder, for example company number, charity number (where applicable)

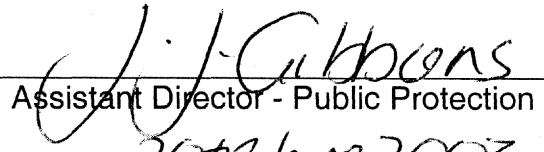
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol


Mr Aziz Yanar
100 Place Gates Road
Wood Green
London
N22 7BL

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

LN/00005283 – London Borough of Hackney

Islington Council
Public Protection Division
159 Upper Street
London
N1 1RE
Tel: 020 7527 3031/3803
Email: licensing@islington.gov.uk


Assistant Director - Public Protection


Date of Issue

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1) The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
 - a) during the first 20 minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale of supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval military.
- 2) Alcohol shall not be sold in an open container or be consumed in the licensed premises

Annex 3 - Conditions attached after a hearing by the licensing authority

Nil

Annex 4 – Plans 88476-08/07/05

Appendix: 3



ISLINGTON

Building Control Service
Planning and Development
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW

Your ref:

Date: 15 May 2012

Mr Aziz Yanar
Caledonian Supermarket
288 Caledonian Road
London
N1 1BA

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Caledonian Supermarket 288 Caledonian Road N1 1BA**

With reference to the recent application for the review of the premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 14 May 2012 it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)



**Islington Licensing Authority
Licensing Act 2003**

Representation form from Responsible Authority for Health and Public Safety

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Caledonian Supermarket 288 Caledonian Road N1 1BA
Public Safety	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the requirements specified in the schedule dated 15 May 2012 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

**Licensing Act 2003 – Requirements schedule dated 15 May 2012 for
Caledonian Supermarket 288 Caledonian Road N1 1BA**

- (1) In addition to the lighting, emergency lighting in compliance with BS 5266 – 1 should be provided in the parts of the trading area of the shop so all gangways are clearly illuminated.

Note: Non-maintained emergency lighting should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.

- (2) Smoke alarms fitted with new batteries should be provided in the following locations:

- Trading area of the shop.
- The area at the top of the basement stairs.

- (3) A 230mm x 230mm ventilation grille should be installed in the blanked off window in the toilet cubicle.

- (4) Long flexible electrical cables and multi-socket outlet electrical adaptors within the premises should not be used. An independent electrical socket outlet should be provided adjacent to each item of electrical apparatus using an approved protected system of wiring in compliance with BS 7671.

- (5) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the responsible authority for health and public safety.

- Electrical installation for any new electrical socket outlets
- Emergency lighting
- Fire extinguishers – (shop water and carbon dioxide, basement powder)

An approved competent person for the testing and certification of electrical installations and emergency lighting should be one of the following:

A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.

Inspection and service certificates for fire fighting appliances should be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.



ISLINGTON

Environment and Regeneration

Mr Aziz Yanar
253 Salisbury Road
London
N19 5UW

Licensing Team
Public Protection Division
222 Upper Street
London
N1 1XR

T 020 7527 3879

F 020 7527 3057

E simon.gallacher@islington.gov.uk

W www.islington.gov.uk

Please reply to: **Simon Gallacher**

Our ref: 120391-3268

Your ref:

Date: 25 September 2009

Dear Mr Yanar

LICENSING ACT 2003

Caledonian Supermarket, 288 Caledonian Road, London N1 1BA

I write following a visit made to your premises by Councillor Officers on Friday 18 September 2009. At the time of our visit we found that you were selling alcohol beyond the times permitted on your licence.

You are warned that it is an offence to allow premises to be used for licensable activities other than in accordance with an authorisation. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment. You are advised officers will continue to monitor activity at your premises. Any further contraventions will be taken into account when considering enforcement action.

You are reminded that you must keep your personal licence available for inspection when selling alcohol.

You informed us that you had changed address as of May this year. You are required to formally notify us of the change of address. Please return the original licence and summary document to this office, together with a cheque for £10.50 payable to London Borough of Islington without further delay. Please also include a cover letter confirming your new address.

If you have not done so already, you must also contact the Licensing Service at London Borough of Hackney to notify them of your change of address.

Finally, you are advised that should you wish to sell alcohol outside of your current licensed hours, then you need to consider making a variation application. If you wish to discuss this further please contact me.



Yours sincerely



Simon Gallacher
Licensing Officer

c.c. Mr Yanar, Caledonian Supermarket, 288 Caledonian Road, London N1 1BA

Suggested conditions

As per current licence

Suggested conditions recommended by Health & Safety

1. The premises shall not be used under the licence until the requirements specified in the schedule dated 15 May 2012 have been completed and approved in writing by the responsible authority for health and public safety.

